



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

सोमवार, 31 जुलाई, 2017 / 9 श्रावण, 1939

हिमाचल प्रदेश सरकार

कार्यालय जिला पंचायत अधिकारी, शिमला, जिला शिमला, हि० प्र०

कार्यालय आदेश

शिमला, 27 जुलाई, 2017

संख्या: पी०सी०एच०-एस०एम०एल०(रिक्त पद)/2016-7518-24.—यह कि खण्ड विकास अधिकारी, विकास खण्ड ठियोग, जिला शिमला द्वारा अपने पत्र संख्या 7546, दिनांक 19 जुलाई, 2017 के अन्तर्गत सूचित किया जाता है कि श्री अशोक कुमार, वार्ड सदस्य, वार्ड नं० 3 खनु, ग्राम पंचायत कथोग, विकास खण्ड ठियोग, जिला शिमला द्वारा अग्निसेवा में कार्यरत होने के कारण दिनांक 6-7-2017 को वार्ड सदस्य के पद से त्याग-पत्र दे दिया है।

अतः मैं, एम0 एस0 नेगी, जिला पंचायत अधिकारी शिमला, हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 की धारा 130(1) तथा हिमाचल प्रदेश पंचायती राज (सामान्य) नियम, 1997 के नियम 135(2) में निहित शक्तियों का प्रयोग करते हुए श्री अशोक कुमार, वार्ड सदस्य, वार्ड नं0 3 खनु, ग्राम पंचायत कथोग, विकास खण्ड ठियोग, जिला शिमला द्वारा दिए गए त्याग-पत्र को तत्काल प्रभाव से स्वीकार करता हूं व उक्त अधिनियम की धारा 131(4) के अन्तर्गत वार्ड नं0 3 के वार्ड सदस्य पद को भी रिक्त घोषित करता हूं।

एम0 एस0 नेगी,
जिला पंचायत अधिकारी,
शिमला, जिला शिमला, हि0 प्र0।

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, the 9th May, 2016

No.: 11-2/86(Lab)ID/2016/Bilaspur.—It appears to the undersigned that an industrial dispute exists between Shri Amit Kumar s/o Shri Ram Rattan, through Shri B. S. Verma, Vice President, INTUC, H. P. State Committee, District Bilaspur, H.P. and the Pradhan, the Bilaspur District Truck Operator Co-operative Transport Society Limited (BDTS), V.P.O. Barmana, Tehsil Sadar, District Bilaspur, H.P. on the issue of alleged termination of his services *w.e.f.* 14-09-2014.

As per the report under section 12(4) of the Industrial Disputes Act, 1947 submitted by the Conciliation Officer, he tried his level best to settle the dispute during conciliation proceedings but could not succeed. The report so received has been considered by the undersigned and as per power vested under sub-section 5 of Section 12 of the Act *ibid*, the undersigned has decided that this dispute is required to be legally adjudicated by the Labour Court/ Industrial Tribunal.

Therefore, the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram (A) 4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of The Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court/Industrial Tribunal Dharamshala, constituted under Section-7 of Act *ibid*, on the following issue/issues for legal adjudication:—

“Whether termination of the services of Shri Amit Kumar s/o Shri Ram Rattan, through Shri B. S. Verma, Vice President, INTUC, H.P. State Committee, District Bilaspur, H.P. *w.e.f.* 14-09-2014 (as alleged by workman) by the Pradhan, the Bilaspur District Truck Operator Co-operative Transport Society Limited (BDTS), V.P.O. Barmana, Tehsil Sadar, District Bilaspur, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

By order,

Sd/-
Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT**NOTIFICATION***Shimla-171001, the 30th May, 2016*

No.:11-23/84(Lab)ID/2016/Una.—It appears to the undersigned that an industrial dispute exists between Shri Bakshi Ram s/o Shri Mellu Ram, c/o Shri R. K. Singh Parmar, General Secretary, Pb. INTUC, L-211, Brari, P. O. Partap Nagar, Tehsil Nangal, District Roper, Punjab and Managing Director, M/s Arvind Talwar Machine Tools (P) Limited, V.P.O. Nangal Khurad, Tehsil Haroli, District Una, H.P. on the issue of alleged termination from services *w.e.f.* 01-07-2014 (as alleged by workman).

As per the report under section 12(4) of the Industrial Disputes Act, 1947 submitted by the Conciliation Officer, he tried his level best to settle the dispute during conciliation proceedings but could not succeed. The report so received has been considered by the undersigned and as per power vested under sub-section 5 of Section-12 of the Act *ibid*, the undersigned has decided that this dispute is required to be legally adjudicated by the Labour Court/Industrial Tribunal.

Therefore, the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram (A) 4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of The Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court/Industrial Tribunal Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/issues for legal adjudication:—

“Whether termination of the services of Shri Bakshi Ram s/o Shri Mellu Ram, c/o Shri R. K. Singh Parmar, General Secretary, Pb. INTUC, L-211, Brari, P.O. Partap Nagar, Tehsil Nangal, District Roper, Punjab *w.e.f.* 01-07-2014 (as alleged by workman) by the Managing Director, M/S Arvind Talwar Machine Tools (P) Limited, V.P.O. Nangal Khurad, Tehsil Haroli, District Una, H. P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

By order,

Sd/-

*Deputy Labour Commissioner,
Himachal Pradesh.*

LABOUR & EMPLOYMENT DEPARTMENT**NOTIFICATION***Shimla-171001, the 30th May, 2016*

No. 11-1/18(Lab)ID/2016/Sunder Nagar.—Whereas the Labour Inspector-cum-Conciliation Officer, Sunder Nagar has submitted a report as provided under Section-12(4) of the Industrial Disputes Act, 1947 stating that there was an alleged industrial dispute in between Shri Bali Bahadur s/o Late Shri Het Ram, r/o Village Kathla, P. O. Maloh, Tehsil Sunder Nagar,

District Mandi, H.P. and the Senior Executive Engineer, Electrical Division, H.P.S.E.B. Limited Sunder Nagar, District Mandi, H. P. as per demand notice dated 25-03-2013 submitted by the said ex-worker regarding his termination of services;

Whereas, the Labour Officer-*cum*-Conciliation Officer, has incorporated in the report that during the course of conciliation proceedings for the purpose of bringing about a legal and amicable settlement, all matters affecting the settlement were investigated and has made all efforts for the purpose of inducing the parties to come to legal, fair and amicable settlement of the said dispute. However, no such settlement could be arrived at in between the parties to the industrial dispute;

Whereas, undersigned while exercising the power vested as provided under sub-section 5 of Section-12 of the Act *ibid* carefully examined the report and come to the conclusion that above ex-worker had raised the dispute of alleged illegal termination from the services *w.e.f.* 01-11-1996 before the above employer after delay of more than 16 years and has worked only from 26-11-1984 to 31-10-1996 respectively.

Therefore, the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram (A) 4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section-10 of The Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court/Industrial Tribunal Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/issues for legal adjudication:—

“Whether alleged termination of the services of Shri Bali Bahadur s/o Late Shri Het Ram, r/o Village Kathla, P. O. Maloh, Tehsil Sunder Nagar, District Mandi, H. P. *w.e.f.* 01-11-1996 by and the Senior Executive Engineer, Electrical Division, H.P.S.E.B. Limited Sunder Nagar, District Mandi, H. P., without complying with the provisions of the Industrial Disputes Act, 1947, as alleged by workman, is legal and justified; whereas he has raised the industrial dispute *vide* demand notice dated 25-03-2013 after lapse of more than 16 years. If not, keeping in view delay of more than 16 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, the 30th May, 2016

No. 11-5/99(Lab) ID/2016/Chamba.—Whereas the Labour Officer-*cum*-Conciliation Officer, Chamba has submitted a report as provided under Section-12(4) of the Industrial Disputes Act, 1947 stating that there was an alleged industrial dispute in between Smt. Bego Devi w/o Shri Prakash Chand, r/o Village Kuffa, P. O. Killar, Tehsil Pangri, District Chamba, H. P. and the Executive Engineer, Killar Division, H.P.P.W.D., Killar (Pangri), District Chamba, H. P. as per

demand notice dated 30-05-2012 submitted by the said ex-worker regarding her termination of services;

Whereas, the Labour Officer-cum-Conciliation Officer, has incorporated in the report that during the course of conciliation proceedings for the purpose of bringing about a legal and amicable settlement, all matters affecting the settlement were investigated and has made all efforts for the purpose of inducing the parties to come to legal, fair and amicable settlement of the said dispute. However, no such settlement could be arrived at in between the parties to the industrial dispute,

Whereas, undersigned while exercising the power vested as provided under sub-section 5 of Section 12 of the Act *ibid* carefully examined the report and come to the conclusion that above ex-worker had raised the dispute of alleged illegal termination from the services during September, 2004 before the above employer after delay of more than 7 years and has worked only for 125, 121.5, 123, 199, 101, 145, 140, 137, 150, 141 and 101 days during years 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 respectively.

Therefore, in view of the above facts and circumstances, the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram (A) 4-9/2006-IV-Loose, dated 15th February, 2014 and as provided in sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and keeping in view the latest judgments of the Hon'ble High Court of Himachal Pradesh, Shimla about the declining the references to the Labour Court for adjudication, formed an opinion to refer this dispute to the Labour Court/Industrial Tribunal Dharamshala, constituted under Section 7 of Act *ibid*, for legal adjudication on following issue:—

“Whether alleged termination of services of Smt. Bego Devi w/o Shri Prakash Chand, r/o Village Kuffa, P. O. Killar, Tehsil Pangi, District Chamba, H. P. during September, 2004 by the Executive Engineer, Killar Division, H.P.P.W.D., Killar (Pangi), District Chamba, H. P., who has worked as beldar on daily wages basis and has raised her industrial dispute *vide* demand notice dated 30-05-2012 after more than 7 years, allegedly without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, keeping in view of working period of 125, 121.5, 123, 199, 101, 145, 140, 137, 150, 141 and 101 days during years 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 respectively and delay of more than 7 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, the 18th May, 2016

No. 11-1/18(Lab)ID/2016/Sunder Nagar.—It appears to the undersigned that an industrial dispute exists between Shri Bhagat Ram s/o Shri Dhiraj Ram, r/o V.P.O. Balag, District Mandi, H.

P. and the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P. on the issue of alleged time to time termination of his services during November, 1998 to August, 2009.

As per the report under section 12(4) of the Industrial Disputes Act, 1947 submitted by the Conciliation Officer, he tried his level best to settle the dispute during conciliation proceedings but could not succeed. The report so received has been considered by the undersigned and as per power vested under sub-section 5 of Section 12 of the Act *ibid*, the undersigned has decided that this dispute is required to be legally adjudicated by the Labour Court/ Industrial Tribunal.

Therefore, the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram (A) 4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court/Industrial Tribunal Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/issues for legal adjudication:-

“Whether time to time termination of the services of Shri Bhagat Ram s/o Shri Dhiraj Ram, r/o V.P.O. Balag, District Mandi, H.P. during November, 1998 to August, 2009 by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H. P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, 3rd May, 2016

No. 11-1/85(Lab) ID/2016-Kangra.—Whereas Shri Som Raj s/o Shri Gian Chand, r/o Village Ghattla, P. O. Khawara, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated 23-7-2011 regarding his illegal termination from the services by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H.P. The Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, whereafter he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H.P.;

And whereas the report sent by the Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Deputy Labour Commissioner, H. P. as appropriate Government came to the conclusion that above worker had raised the dispute at a belated stage of more than 21 years and therefore declined the reference of the dispute *vide* order dated 2-12-2014;

And whereas Shri Som Raj s/o Shri Gian Chand agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 253/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 23-2-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H. P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :

- “3. *In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.*
4. *The writ petitions are disposed of accordingly, alongwith pending applications, if any.*”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-cum-Industrial Tribunal, Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/ issues for legal adjudication :

“Whether alleged termination of services of Shri Som Raj s/o Shri Gian Chand, r/o Village Ghattla, P.O. Khawara, Tehsil Nurpur, District Kangra, H. P. during February, 1990 by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H.P., who had worked as beldar on daily wages for 18½ days during year, 1990 and has raised his industrial dispute after more than 21 years *vide* demand notice dated 23-7-2011, without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified ? If not, keeping in view of working period of 18½ days during year, 1990 and delay of more than 21 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/ management?”

By order,

Sd/-
Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, the 28th April, 2016

No. 11-1/85(Lab) ID/2016-Kangra.— Whereas Shri Sulinder Kumar s/o Shri Jagat Ram, r/o Village and Post Office Jaunta, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated nil received in Labour Office, Dharamshala on 13-06-2011 regarding his illegal termination from the services by the (1) Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil

Nurpur, District Kangra, H. P., (2) Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H. P. The Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H.P.;

And whereas the report sent by the Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Labour Commissioner, H. P. as appropriate Government came to the conclusion that as per reply filed by the above employers worker has not worked with the employers No. (1) & (2) and had raised the dispute at a belated stage of more than 20 years and therefore declined the reference of the dispute *vide* order dated 31-08-2013;

And whereas Shri Sulinder Kumar s/o Shri Jagat Ram agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 724/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 31-3-2016 and directed the Labour Commissioner, H. P. to make reference to the Industrial Tribunal-*cum*-Labour Court within six weeks. The operative part of the judgment is reproduced as follows :

“3. In the given circumstances, we deem it proper to quash the impugned order in the writ petition and direct the Labour Commissioner, H. P. to make reference to the Industrial Tribunal-cum-Labour Court within six weeks from today. Ordered accordingly. The writ petition is disposed of, as indicated hereinabove, along with all pending applications, if any.”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram (A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-*cum*-Industrial Tribunal, Dharamshala, constituted under Section-7 of Act *ibid*, on the following issue/issues for legal adjudication:—

*“Whether alleged termination of services of Shri Sulinder Kumar s/o Shri Jagat Ram, r/o Village and Post Office Jaunta, Tehsil Nurpur, District Kangra, H. P. during year, 1990 by (1) the Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H. P., (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H. P., who had worked as daily wages worker and has raised his industrial dispute after more than 20 years *vide* demand notice dated nil received on 13-06-2011, without complying the provisions of the Industrial Disputes Act, 1947, as alleged by the workman, is legal and justified? If not, keeping in view of delay of more than 20 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”*

By order,
Sd/-
Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT**NOTIFICATION***Shimla-171001, the 5th July, 2016*

No. 11-1/85(Lab) ID/2016-Kangra.—Whereas Shri Suresh Kumar s/o Shri Chaudhary Ram, r/o Village and Post Office Dhaneti Bhuriuan, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated-nil-received in Labour Office, Dharamshala on 13-06-2011 regarding his illegal termination from the services by (1) The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H. P., (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H. P. The Labour Officer-cum-Conciliation Officer, Dharamshala, District Kangra, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H. P.;

And whereas the report sent by the Labour Officer-cum-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Labour Commissioner, H. P. as appropriate Government came to the conclusion that as per reply filed by the above employers worker has not worked with the employers No. (1) & (2) and had raised the dispute at a belated stage of after about 21 years and therefore declined the reference of the dispute *vide* order dated 31-08-2013;

And whereas Shri Suresh Kumar s/o Shri Chaudhary Ram agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 813/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 7-4-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H. P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :—

- “3. *In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.*
4. *The writ petitions are disposed of accordingly, alongwith pending applications, if any.*”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-cum-Industrial Tribunal, Dharamshala, constituted under Section-7 of Act *ibid*, on the following issue/issues for legal adjudication :—

“Whether alleged termination of services of Shri Suresh Kumar s/o Shri Chaudhary Ram, r/o Village and Post Office Dhaneti Bhuriuan, Tehsil Nurpur, District Kangra, H. P. during year, 1990 by (1) The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H. P., (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H. P., who had worked on daily wages and has raised his industrial dispute after about 21 years *vide* demand notice dated-nil-received on 13-06-2011, without complying the provisions of the Industrial Disputes Act, 1947, as

alleged by the workman, is legal and justified? If not, keeping in view of delay of about 21 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?"

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, the 4th July, 2016

No. 11-2/86(Lab) ID/2016-Bilaspur.—Whereas Shri Surjeet Kumar s/o Shri Mahant Ram, r/o Village Barota (Kudhi), P. O. Barota, Tehsil Ghumarwin, District Bilaspur, H. P. had raised a demand notice dated 30-12-2009 regarding his illegal termination from the services by the Executive Engineer, H.P.P.W.D. Division, Ghumarwin, District Bilaspur, H. P. The Labour Officer-*cum*-Conciliation Officer, Bilaspur, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H. P.;

And whereas the report sent by the Labour Officer-*cum*-Conciliation Officer, Bilaspur, H. P. was considered, examined and Labour Commissioner, H. P. as appropriate Government came to the conclusion that above worker had raised the dispute at a belated stage of 11 years and therefore declined the reference of the dispute *vide* order dated 31-03-2012;

And whereas Shri Surjeet Kumar s/o Shri Mahant Ram agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 797/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 7-4-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H. P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :—

"3. In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.

4. The writ petitions are disposed of accordingly, alongwith pending applications, if any."

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-*cum*-

Industrial Tribunal, Dharamsala, constituted under Section 7 of Act *ibid*, on the following issue/ issues for legal adjudication :—

“Whether alleged termination of services of Shri Surjeet Kumar s/o Shri Mahant Ram, r/o Village Barota (Kudhi), P. O. Barota, Tehsil Ghumarwin, District Bilaspur, H. P. during year, 1998 by the Executive Engineer, H.P.P.W.D. Division, Ghumarwin, District Bilaspur, H. P., who had worked on daily wages beldar and has raised his industrial dispute after 11 years *vide* demand notice dated 30-12-2009, without complying the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, keeping in view of delay of 11 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, 26th April, 2016

No. 11-1/85(Lab) ID/2016-Kangra.—Whereas Shri Surjit Kumar s/o Shri Roshan Lal, r/o Village and Post Office Sulyali, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated 23-7-2011 regarding his illegal termination from the services by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H. P. The Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H. P.;

And whereas the report sent by the Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Deputy Labour Commissioner, H. P. as appropriate Government came to the conclusion that as per reply filed by the employer before the concerned conciliation officer, above worker had not worked with the employer and raised the dispute at a belated stage of more than 20 years and therefore declined the reference of the dispute *vide* order dated 25-11-2014;

And whereas Shri Surjit Kumar s/o Shri Roshan Lal agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 248/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 23-2-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H. P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :—

- “3. *In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.*
4. *The writ petitions are disposed of accordingly, alongwith pending applications, if any.*”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-cum-Industrial Tribunal, Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/issues for legal adjudication;

“Whether alleged termination of services of Shri Surjit Kumar s/o Shri Roshan Lal, r/o Village and Post Office Sulyali, Tehsil Nurpur, District Kangra, H. P. during December, 1990 by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H. P., who had worked as beldar on daily wages and has raised his industrial dispute after more than 20 years *vide* demand notice dated 23-07-2011, without complying the provisions of the Industrial Disputes Act, 1947, as alleged by the workman, is legal and justified? If not, keeping in view of delay of more than 20 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001, the 26th April, 2016

No. 11-1/85(Lab) ID/2016-Kangra.— Whereas Shri Tilak Raj s/o Shri Garib Dass, r/o Village Dev Bharari, P. O. Sulyali, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated 23-7-2011 regarding his illegal termination from the services by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H. P. The Labour Officer-cum-Conciliation Officer, Dharamshala, District Kangra, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H. P.;

And whereas the report sent by the Labour Officer-cum-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Deputy Labour Commissioner, H. P. as appropriate Government came to the conclusion that above worker had raised the dispute at a belated stage of more than 21 years and therefore declined the reference of the dispute *vide* order dated 13-11-2014;

And whereas Shri Tilak Raj s/o Shri Garib Dass agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 259/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 25-2-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H.P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :—

- “3. *In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.*
4. *The writ petitions are disposed of accordingly, alongwith pending applications, if any.*”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-cum-Industrial Tribunal, Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/issues for legal adjudication :—

“Whether alleged termination of services of Shri Tilak Raj s/o Shri Garib Dass, r/o Village Dev Bharari, P. O. Sulyali, Tehsil Nurpur, District Kangra, H. P. during June, 1990 by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H. P., who had worked as beldar on daily wages and has raised his industrial dispute after more than 21 years *vide* demand notice dated 23-07-2011, without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, keeping in view of delay of more than 21 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer /management?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-171001 30 May, 2016

No. 11-1/85(Lab) ID/2016-Kangra.—Whereas Shri Uttam Chand s/o Shri Ram Saran, r/o Village Batrah, P. O. Khanni, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated nil received in Labour Office, Dharamshala on 04-03-2013 regarding his illegal termination from the services by (1) The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H. P., (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur,

District Kangra, H. P. The Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H. P.;

And whereas the report sent by the Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Deputy Labour Commissioner, H. P. as appropriate Government came to the conclusion that as per reply filed by the above employers worker has not worked with the employers No. (1) & (2) and had raised the dispute at a belated stage of more than 22 years and therefore declined the reference of the dispute *vide* order dated 12-12-2014;

And whereas Shri Uttam Chand s/o Shri Ram Saran agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 637/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 28-03-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H. P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :—

- “3. *In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.*
4. *The writ petitions are disposed of accordingly, alongwith pending applications, if any.*”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-*cum*-Industrial Tribunal, Dharamshala, constituted under Section-7 of Act *ibid*, on the following issue/issues for legal adjudication :—

“Whether alleged termination of services of Shri Uttam Chand s/o Shri Ram Saran, r/o Village Batrah, P. O. Khanni, Tehsil Nurpur, District Kangra, H.P. during year, 1990 by (1) The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H. P. (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H. P., who had worked on daily wages and has raised his industrial dispute after more than 22 years *vide* demand notice dated-nil-received on 04-03-2013, without complying the provisions of the Industrial Disputes Act, 1947, as alleged by the workman, is legal and justified? If not, keeping in view of delay of more than 22 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

By order,

Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT**CORRIGENDUM***Shimla-171001, the 30th November, 2016*

No.11-1/85(Lab)I.D./2016-Kangra.—Whereas, an alleged industrial dispute exists in between Shri Uttam Chand s/o Shri Ram Saran, r/o Village Batrah, P. O. Khanni, Tehsil Nurpur, District Kangra, H. P. *versus* (1) The Executive Engineer, H.P.P.W.D. Division, Nurpur, Tehsil Nurpur, District Kangra, H. P., (2) The Executive Engineer, H.P.P.W.D. Division, Jawali, Tehsil Nurpur, District Kangra, H. P.;

Whereas, a reference has been made to the Ld. Labour Court Dharamshala, District Kangra, H. P. *vide* Notification of even number No. 11-1/85(Lab)ID/2016-Kangra dated 30-05-2016 for its legal adjudication in compliance of order passed by the Hon'ble Division Bench, High Court of H. P. However, inadvertently the correct facts could not be mentioned in para-3 of the said Notification. Therefore, the same may be read as follows :—

“And whereas Shri Uttam Chand s/o Shri Ram Saran agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 967/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 07-05-2016 and directed the Labour Commissioner, H. P. to make reference to the Industrial Tribunal-cum-Labour Court within six weeks. The operative part of the judgment is reproduced as follows :—

“3. In the given circumstances, we deem it proper to quash the impugned orders in the writ petition and direct the Labour Commissioner, H.P. to make reference to the Industrial Tribunal-cum-Labour Court within six weeks from today. Ordered accordingly. The writ petition is disposed of, as indicated hereinabove, along with all pending applications, if any.”

By order,
Sd/-

Deputy Labour Commissioner,
Himachal Pradesh.

LABOUR & EMPLOYMENT DEPARTMENT**NOTIFICATION***Shimla-171001, the 26th April, 2016*

No. 11-1/85(Lab) ID/2016-Kangra.—Whereas Shri Vijay Kumar s/o Shri Munshi Ram, r/o Village and Post Office Sulyali, Tehsil Nurpur, District Kangra, H. P. had raised a demand notice dated 23-7-2011 regarding his illegal termination from the services by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H. P. The Labour Officer-cum-Conciliation Officer, Dharamshala, District Kangra, H.P. tried to settle the industrial dispute amicably, but the same could not be settled during the course of conciliation proceedings, where

after he sent a report under Section 12(4) of the Industrial Disputes Act, 1947 to the Labour Commissioner, H. P.;

And whereas the report sent by the Labour Officer-*cum*-Conciliation Officer, Dharamshala, District Kangra, H. P. was considered, examined and Deputy Labour Commissioner, H. P. as appropriate Government came to the conclusion that above worker had raised the dispute at a belated stage of more than 23 years and therefore declined the reference of the dispute *vide* order dated 13-11-2014;

And whereas Shri Vijay Kumar s/o Shri Munshi Ram agitated the above orders of declining of reference of his industrial dispute to the Ld. Labour Court before the Hon'ble High Court of Himachal Pradesh *vide* C.W.P. No. 242/2016. The Hon'ble High Court of Himachal Pradesh has disposed off the civil writ petition on 25-2-2016 and directed the respondents to consider the case of the petitioners, in terms of the judgment, dated 30th December, 2014 passed by the Hon'ble High Court of H. P. in CWP No. 9467 of 2014 case titled Pratap Chand *versus* Himachal Pradesh State Electricity Board and others within eight weeks. The operative part of the judgment is reproduced as follows :—

- “3. *In the given circumstances, we deem it proper to direct the respondents to consider the cases of the petitioners, in terms of the judgment (supra), and make a decision within eight weeks. The said judgment shall form part of this judgment also.*
4. *The writ petitions are disposed of accordingly, alongwith pending applications, if any.*”

Therefore, in view of above the undersigned while exercising the powers vested by the Govt. of Himachal Pradesh *vide* Notification No. Shram(A)4-9/2006-IV-Loose, dated 15th February, 2014 and as per power vested under sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) this industrial dispute is referred to the Labour Court-*cum*-Industrial Tribunal, Dharamshala, constituted under Section 7 of Act *ibid*, on the following issue/ issues for legal adjudication :—

“Whether alleged termination of services of Shri Vijay Kumar s/o Shri Munshi Ram, r/o Village and Post Office Sulyali, Tehsil Nurpur, District Kangra, H. P. during June, 1988 by the Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H. P., who had worked as beldar on daily wages and has raised his industrial dispute after more than 23 years *vide* demand notice dated 23-07-2011, without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, keeping in view of delay of more than 23 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

By order,
Sd/-
Deputy Labour Commissioner,
Himachal Pradesh.

खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले विभाग

अधिसूचना

शिमला-2, 28 जुलाई, 2017

संख्या: एफ.डी.एस.-ए(3)-4/2015.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, अधिसूचना संख्या एफ0डी0एस0-ए(3)2/97-II-लूज, तारीख 26 अक्टूबर, 2009 द्वारा अधिसूचित हिमाचल प्रदेश खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले विभाग, जिला नियन्त्रक, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले, वर्ग-I (राजपत्रित) भर्ती और प्रोन्नति नियम, 2009 का और सशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले विभाग, जिला नियन्त्रक, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले, वर्ग-I (राजपत्रित) भर्ती और प्रोन्नति (प्रथम संशोधन) नियम, 2017 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. उपाबन्ध—“क” का संशोधन.—(1) हिमाचल प्रदेश, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले विभाग, जिला नियन्त्रक, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले, वर्ग-I (राजपत्रित) के भर्ती और प्रोन्नति नियम, 2009 के उपाबन्ध—“क” में,—

(क) स्तम्भ संख्या: 4 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“पे बैण्ड ₹ 15600—39100 जमा ₹ 5400/— ग्रेड पे”;

(ख) स्तम्भ संख्या: 6 के सामने विद्यमान उपबन्ध के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“जैसी हिमाचल प्रदेश प्रशासनिक सेवा में सीधी भर्ती के लिए समय-समय पर विहित की जाए;

परन्तु सीधी भर्ती किए जाने वाले व्यक्तियों के लिए ऊपरी आयु सीमा तदर्थ या संविदा के आधार पर नियुक्त व्यक्तियों सहित, पहले से ही सरकार की सेवा में रत अभ्यर्थियों के लिए 42 वर्ष होगी”;

(ग) स्तम्भ संख्या: 9 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

(i) “सीधी भर्ती की दशा में:

(क) दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिये विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और कारणों को लिखित में अभिलिखित करके आदेश दे।

(ख) संविदा के आधार पर सेवाधृति के आधार पर नियुक्ति पर, अधिवर्षिता के पश्चात् पुनर्नियोजन पर और आमेलन पर कोई परीक्षा अवधि नहीं होगी।

(ii) प्रोन्नति की दशा में:

दो वर्ष या एक वर्ग से दूसरे वर्ग में प्रोन्नति की दशा में, पद पर सीधी भर्ती के लिए विहित परीक्षा अवधि, यदि कोई है”;

(घ) स्तम्भ संख्या: 10 के सामने विद्यमान उपबन्ध के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“1. चालीस प्रतिशत सीधी भर्ती द्वारा; और

2. साठ प्रतिशत प्रोन्नति द्वारा”;

(ङ) स्तम्भ संख्या: 11 के सामने विद्यमान उपबन्ध के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(i) चालीस प्रतिशत खाद्य एवं आपूर्ति अधिकारियों में से प्रोन्नति द्वारा, जिनका तीन वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके तीन वर्ष का नियमित सेवाकाल हो।

(ii) बीस प्रतिशत अधीक्षक ग्रेड-II/तकनीकी सहायक में से प्रोन्नति द्वारा, जिनका तीन वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके तीन वर्ष का नियमित सेवाकाल हो।

जिला नियन्त्रक, खाद्य, नागरिक आपूर्ति एवं उपभोक्ता मामले, के पदों को भरने के लिए निम्नलिखित 10 बिन्दु रोस्टर का अनुसरण किया जाएगा:—

रोस्टर बिन्दु संख्या	प्रवर्ग
पहला, तीसरा, छठवां और आठवां	खाद्य एवं आपूर्ति अधिकारी के लिए
दूसरा, चौथा, सातवां और नवां	सीधी भर्ती के लिए
पांचवां और दसवां	अधीक्षक ग्रेड-II/तकनीकी सहायक के लिए

टिप्पण:—यह रोस्टर प्रत्येक 10वें बिन्दु के पश्चात तब तक दोहराया जाता रहेगा जब तक कि समस्त प्रवर्गों को दी गई प्रतिशतता तक प्रतिनिधित्व प्राप्त नहीं हो जाता और तत्पश्चात् रिक्ति को उसी प्रवर्ग, जिससे पद रिक्त होता है, से भरा जाएगा।

(I) परन्तु प्रोन्नति के प्रयोजन के लिए प्रत्येक कर्मचारी को, जनजातीय/दुर्गम/कठिन और दूरस्थ/ग्रामीण क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अधधीन, कम से कम एक कार्यकाल तक सेवा करनी होगी:

परन्तु उपर्युक्त परन्तुक (1) सिवाय कठिन/ग्रामीण क्षेत्र में तैनाती/स्थानान्तरण के, उन कर्मचारियों के मामले में लागू नहीं होगा, जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हो। तथापि प्रोन्नति की दशा में पांच वर्ष की यह शर्त लागू नहीं होगी:

परन्तु यह और भी कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/कठिन और दूरस्थ/ग्रामीण क्षेत्रों में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा।

स्पष्टीकरण—I.—उपरोक्त परन्तुक (1) के लिए जनजातीय/कठिन/दुर्गम क्षेत्रों में “कार्यकाल” से साधारणतया, तीन वर्ष की अवधि या प्रशासनिक अत्यावश्यकताओं/सुविधा को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी।

स्पष्टीकरण-II.—उपर्युक्त परन्तुक (1) के प्रयोजन के लिए जनजातीय/कठिन/दुर्गम क्षेत्र निम्न प्रकार से होंगे:—

1. जिला लाहौल एवं स्पिति।
2. चम्बा जिला का पांगी और भरमौर उप-मण्डल।
3. रोहडू उप-मण्डल का डोडरा क्वार क्षेत्र।
4. जिला शिमला की रामपुर तहसील का पन्द्रह बीस परगना, मुनिश, दरकाली और काशापाट।
5. कुल्लू जिला का पन्द्रह बीस परगना।
6. कांगड़ा जिला के बैजनाथ उप-मण्डल का बड़ा भंगाल क्षेत्र।
7. जिला किन्नौर।
8. सिरमौर जिला में उप तहसील कमरु के काठवाड़ और कोरगा पटवार वृत्त, रेणुकाजी तहसील के भलाड़-भलौना और सांगना पटवार वृत्त और शिलाई तहसील का कोटा पाब पटवार वृत्त।
9. मण्डी जिला में, करसोग तहसील का खन्चोल-बगड़ा पटवार वृत्त, बाली चौकी उप-तहसील के गाड़ा गौशैणी, मठयानी, घनयाड़, थाची, बागी, सोमगाड़ और खोलानाल पटवार वृत्त, पद्धर तहसील के झारवाड़, कुटगढ़, ग्रामन, देवगढ़, ट्रैला, रोपा, कथोग, सिल्ह-भड़वानी, हस्तपुर, घमरेड़ और भटेढ़ पटवार वृत्त, थुनाग तहसील के चियूणी, कालीपार, मानगढ़, थाच-बगड़ा, उत्तरी मगरू और दक्षिणी मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त।

स्पष्टीकरण-III.—उपरोक्त परन्तुक (1) के प्रयोजन के लिए दूरस्थ/ग्रामीण क्षेत्र निम्न प्रकार से होंगे:—

- (i) उप-मण्डल/तहसील मुख्यालय से 20 किलो मीटर की परिधि से परे के समस्त स्थान।
- (ii) राज्य मुख्यालय और जिला मुख्यालय से 15 किलोमीटर की परिधि से परे के समस्त स्थान जहां के लिए बस सेवा उपलब्ध नहीं है और 3 (तीन) किलोमीटर से अधिक की पैदल यात्रा करनी पड़ती है।
- (iii) कर्मचारी का, उसके प्रवर्ग को ध्यान में लाए बिना, अपने गृह नगर या गृह नगर क्षेत्र के साथ लगती 20 किलोमीटर की परिधि के भीतर का क्षेत्र।

(II) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व, सम्भरक (पोषक) पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधधीन प्रोन्नति के लिए गणना में ली जाएगी, कि सम्भरक (पोषक) प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

- (i) परन्तु उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरक (पोषक) पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां उससे वरिष्ठ सभी व्यक्ति अपने-अपने प्रवर्ग/पद/कांडर में विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे:

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, की कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी:

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

स्पष्टीकरण:—अंतिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड आर्म्ड फोर्सिज परसोनल (रिजर्वेशन आफ वैकेन्सीज इन हिमाचल स्टेट नॉन-टैक्नीकल सर्विसिज) रूलज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया है और तदधीन वरीयता लाभ दिए गए हों या जिसे एक्स-सर्विसमैन (रिजर्वेशन आफ वैकेन्सीज इन दी हिमाचल प्रदेश टैक्नीकल सर्विसिज) रूलज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और तदधीन वरीयता लाभ दिए गए हों।

- (ii) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु की गई उपरोक्त यथानिर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थाईकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी”;

- (च) स्तम्भ संख्या: 15 के सामने विद्यमान उपबन्ध के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“सीधी भर्ती के मामले में, पद पर नियुक्ति के लिए चयन, हिमाचल प्रदेश प्रशासनिक सेवा संयुक्त प्रतियोगिता परीक्षा के आधार पर किया जाएगा, जिसके लिए पद्धति/पाठ्यक्रम, आदि वही होगा जो समय समय पर यथा संशोधित, हिमाचल प्रदेश एडमिनीसट्रेटिव सर्विस रूलज, 1973 में दिया गया है”;

- (छ) विद्यमान स्तम्भ संख्या: 15—क का लोप किया जाएगा।

आदेश द्वारा,

तरुण कपूर,
अतिरिक्त मुख्य सचिव (खा0 ना0 आ0 एवं उ0 मामले)।

[Authoritative English Text of this Department Notification No. FDS-A(3)-4/2015 Dated 28-7-2017 as required under clause (3) of Article 348 of the Constitution of India].

FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT

NOTIFICATION

Shimla-171002, 28th July, 2017

No. FDS-A(3)-4/2015.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal

Pradesh Public Service Commission, is pleased to make the following rules further to amend the Himachal Pradesh, Food, Civil Supplies & Consumer Affairs Department, District Controller, Food, Civil Supplies & Consumer Affairs, Class-I(Gazetted) Recruitment and Promotion Rules, 2009 notified *vide* notification No. FDS-A(3)-2/97-II-Loose dated 26th October, 2009, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Food, Civil Supplies and Consumer Affairs Department, District Controller, Food, Civil Supplies & Consumer Affairs, Class-I (Gazetted) Recruitment and Promotion (First Amendment) Rules, 2017.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Annexure-“A”.— (1) In **Annexure-“A”** to the Himachal Pradesh, Food, Civil Supplies & Consumer Affairs Department, District Controller, Food, Civil Supplies & Consumer Affairs, Class-I(Gazetted) Recruitment and Promotion Rules, 2009,—

- (a) for the existing provision against Column No. 4, the following shall be substituted, namely:—

“Pay Band ₹ 15600-39100 + ₹ 5400/- Grade Pay”;

- (b) for the existing provision against Column No. 6, the following shall be substituted, namely:—

“As may be prescribed for direct recruitment to the Himachal Pradesh Administrative Service from time to time:

Provided that the upper age limit for direct recruits shall be 42 years to the candidates already in service of the Government including those who have been appointed on *ad hoc* or on contract basis”;

- (c) for the existing provisions against Column No. 9, the following shall be substituted, namely:-

“(i) Direct recruitment:

- (a) Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
- (b) No probation in the case of appointment on contract basis, tenure basis, re-employment after superannuation and absorption.

(ii) Promotion:

Two years or the period of probation prescribed for the direct recruitment to the post, if any, in the case of promotion from one group to another”;

- (d) for the existing provision against Column No. 10, the following shall be substituted, namely:-

“1. 40% by direct recruitment.

2. 60% by promotion”;
- (e) for the existing provision against Column No. 11, the following shall be substituted, namely:—
- “(i) 40 % by promotion from amongst the Food & Supplies Officers who possess three years regular service or regular combined with continuous *ad hoc* service rendered, if any, in the grade.
- (ii) 20% by promotion from amongst the Superintendent Gr.-II/Technical Assistant who possess three years regular service or regular combined with continuous *ad hoc* service rendered, if any, in the grade”.

For filling up the posts of District Controller, Food, Civil Supplies & Consumer Affairs, the following 10 points roster shall be followed:—

Roster point Nos.	Category
1st , 3rd, 6th & 8th	Food & Supplies Officer
2nd, 4th , 7th & 9th	Direct Recruitment
5th & 10th	Superintendent Grade-II/Technical Assistant

Note:—This roster will be rotated after every 10th point till the representation to all the categories is achieved by the given percentage thereafter the vacancy shall be filled up from the category which vacates the post.

(I) Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult, Hard and Remote/Rural Areas subject to adequate number of post(s) available in such areas:

Provided further that Provisio (I) *supra* shall not be applicable in the case of those employees who have five years or less service, left for superannuation except posting/transfer in remote/rural area. However, this condition of five years shall not be applicable in cases of promotion:

Provided further that Officers/Officials who have not served at least one tenure in Tribal/Difficult/Hard areas and remote/rural area shall be transferred to such areas strictly in accordance with his/her seniority in the respective cadre.

Explanation-I:—For the purpose of provisio (I) *supra* the “term” in Tribal/Difficult/Hard Areas/Remote/Rural Areas shall mean normally three years or less period of posting in such areas keeping in view the administrative exigencies/convenience.

Explanation-II: For the purpose of provisio (I) *supra* the Tribal/Difficult Areas shall be as under:

1. District Lahaul & Spiti
2. Pangi and Bharmour Sub-Divisions of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.

4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat of Rampur Tehsil of Distt. Shimla.
5. Pandra Bis Pargana of Kullu District.
6. Bara Bhargal Areas of Baijnath Sub-Division of Kangra District.
7. District Kinnaur
8. Kathwar and Korga Patwar Circles of Kamrau Sub-Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmaur District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki Sub-Tehsil. Jharwar, Kutgarh, Graman, Devgarh Trailla, Ropa, Kathog, Silh Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangrah, Thach Bagra, North Magru and South Magru Patwar Circles of Thunag Teshil and Batwara Patwar Circle of Sunder Nagar Tehsil of Mandi District.

Explanation-III: For the purpose of proviso (I) *supra* the Remote/Rural areas shall be as under:

- (i) All stations beyond the radius of 20 Kms. from Sub-Division/Tehsil headquarter.
- (ii) All stations beyond the radius of 15 Kms. from State Headquarter and District head quarters where bus service is not available and on foot journey is more than 3 (three) Kms.
- (iii) Home town or area adjoining to area of home town within the radius of 20 Kms. of the employee regardless of its category.

(II) In all cases of promotion, the continuous *ad hoc* service rendered in the feeder post if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules:

- (i) Provided that in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis, followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of atleast three years or that prescribed in the R&P Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

EXPLANATION.—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be ex-servicemen recruited under the provisions of Rule-3 of Demobilized Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of rule-3 of Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

- (ii) Similarly, in all cases of confirmation continuous *ad hoc* service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules:

Provided that *inter-se* seniority as a result of confirmation after taking into account, *ad hoc* service rendered as referred to above shall remain unchanged”;

- (f) for the existing provision against Column No. 15, the following shall be substituted, namely:—

“Selection for appointment to the post in the case of direct recruitment shall be made on the basis of the Himachal Pradesh Administrative Service Combined Competitive Examination the pattern/syllabus *etc.* of which is as given in the Himachal Pradesh Administrative Service Rules, 1973, as amended from time to time”; and

- (g) The existing Column No. 15-A shall be deleted.

By order,

TARUN KAPOOR,
Addl. Chief Secretary (F.C.S. & C.A.).

ब अदालत तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी, सन्धोल, जिला मण्डी (हि० प्र०)

मिसल नम्बर : 14/2017

तारीख मजरूआ : 05-07-2017

तारीख पेशी : 05-08-2017

श्री पंकज ठाकुर पुत्र स्व० श्री कशमीर सिंह, निवासी गांव घनाला, डाकखाना सन्धोल, जिला मण्डी (हि० प्र०) प्रार्थी।

बनाम

आम जनता

फरीकदोयम।

अधीन धारा 37(2) भू-राजस्व अधिनियम, 1954 के तहत आवेदन-पत्र।

श्री पंकज ठाकुर पुत्र स्व० श्री कशमीर सिंह, निवासी गांव घनाला, डाकखाना सन्धोल, जिला मण्डी (हि० प्र०) द्वारा समस्त औपचारिकताओं सहित इस न्यायालय में प्रस्तुत आवेदन-पत्र में उल्लेख किया है कि

उसका वास्तविक नाम पंकज ठाकुर है जबकि राजस्व अभिलेख मुहाल घनाला में उनका नाम पंकज कुमार दर्ज है जो कि गलत है इसलिए उसने निवेदन किया है कि राजस्व अभिलेख मुहाल घनाला में दरुस्ती की जाकर उसका नाम पंकज कुमार उर्फ पंकज ठाकुर दर्ज किया जाए।

अतः इससे पूर्व कि मामला में अधीन धारा 37(2) भू-राजस्व अधिनियम, 1954 के तहत आगामी आवश्यक कार्रवाई अमल में लाई जाए, इस नोटिस द्वारा जन-साधारण को सूचित किया जाता है कि यदि किसी को उपरोक्त मामला में कोई उजर/एतराज हो तो वह इस न्यायालय में दिनांक 05-08-2017 को प्रातः 10.00 बजे असालतन या वकालतन हाजिर आकर अपना उजर/एतराज पेश कर सकता है अन्यथा गैर हाजरी की सूरत में एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 05-07-2017 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—,
सहायक समाहर्ता, प्रथम श्रेणी,
सन्धोल, जिला मण्डी, हि0 प्र0।

